

VZCZCXR05482

PP RUEHBZ RUEHGU RUEHGI RUEHJO RUEHMR RUEHRN

DE RUEHKI #0502/01 1241011

ZNR UUUUU ZZH

P 041011Z MAY 07

FM AMEMBASSY KINSHASA

TO RUEHC/SECSTATE WASHDC PRIORITY 6079

INFO RUEHXR/RWANDA COLLECTIVE

RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY

RUEAIIA/CIA WASHDC

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UNCLAS SECTION 01 OF 02 KINSHASA 000502

SIPDIS

SENSITIVE

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E.O. 12958: N/A

TAGS: PHUM PGOV KDEM KJUS CG

SUBJECT: NLANDU AND NINE OTHERS ACQUITTED ON INSURRECTION
AND WEAPONS CHARGES

REF: A. 06 KINSHASA 1882

1B. KINSHASA 279

11. (SBU) Summary: Congolese politician Marie-Therese Nlandu and nine co-defendants were acquitted April 30 of all charges related to the November 2006 burning of the Supreme Court building. A military court found that the prosecution had not presented evidence sufficient to prove their guilt. The head judge called for changes to Congolese law regarding trial of civilians by military courts. Nlandu's lawyers expressed satisfaction with the outcome. Nlandu called for the release of "political prisoners." End summary.

12. (SBU) Marie-Therese Nlandu, who received a handful of votes in the July 2006 first-round presidential election (far less than even one per cent of the total), and all nine co-defendants were acquitted of insurrection and weapons possession by a military court April 30. European-based human rights organizations had made the trial an international cause celebre since Nlandu, a member of an influential Mobutu-era family now based in London, was arrested November 21 (ref A) following the burning of the DRC Supreme Court building by supporters of presidential runner-up Jean-Pierre Bemba. Military Prosecutor Homere Nkulu had recommended that Nlandu and seven co-defendants be sentenced to 20 years in prison with 12 months of prison for her driver and acquittal for her press attache.

13. (U) In announcing the verdict, the court's presiding officer, Major Mbokolo, made clear that deficiencies in the government's case had won Nlandu and her co-defendants their freedom. Speaking to Nlandu directly, he noted that he could not say she was in the wrong, but just that the case against her did not succeed in proving that she was. Mbokolo said the burning of the Supreme Court, the key event leading to the charges, took place after six of the defendants had already been arrested. He noted that police had not properly handled the paperwork or chain of custody of the grenades allegedly found in Nlandu's vehicle, which were the source of the weapons possession charge. And he said the prosecutor had not proved intent by any of the defendants to participate in an insurrection.

14. (SBU) The court apparently viewed the prosecution's case as so weak that it was unable to convict even the three defendants known to have engaged in questionable activities. Evidence presented by the prosecution in fact provided strong indications "Pastor" Jose Inonga was recruiting soldiers for Jean-Pierre Bemba. The defendants' attorneys told us Edganga Fataki and Basisa Ilyonda, both former members of the Mobutu-era army, had been arrested in the act of setting the

Supreme Court building on fire. The remaining six defendants were employees of Nlandu, including a driver, several bodyguards, and a publicist,

¶15. (SBU) Surrounded by family and supporters outside the court after the verdict, Nlandu called for the government to release other "political prisoners" held in several Kinshasa prisons. She was referring to an unspecified number of "opposition" prisoners arrested during the past six months and called the conditions of their incarceration "unacceptable." (Comment: The conditions of all prisons in the DRC are indeed unacceptable. End comment.)

¶16. (SBU) In contrast to warnings by international human rights groups that Nlandu could never receive a fair trial, chief defense lawyer Joseph Mukendi praised the military justice system, quoting a Latin proverb, "weapons must yield to justice." The organizations had repeatedly petitioned the government to release Nlandu before evidence had even been presented.

¶17. (SBU) Another defense attorney, Didier Kashala, told us in March that the defense team had grown confident of eventual acquittal when the court repeatedly postponed hearings (ref B), delaying the trial by more than a month. A human rights advocate told us that same month that she viewed the postponements as a sign the government wanted to quietly dismiss the case.

¶18. (SBU) In his statement, Mbokolo called for a law defining the competence of military tribunals to judge civilians. Human rights organizations had called Nlandu a "political prisoner" because she was being tried by a military court, which has jurisdiction under current Congolese law for all

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offenses involving "weapons of war" (e.g. grenades). Nlandu's attorneys had sought dismissal of the case based on the 2006 DRC constitution, which forbids trial of civilians by military tribunals. However, MONUC's Rule of Law section chief told us that the constitution also stipulates that previous laws would remain in place until "organic laws" are enacted to change them. (Note: In an unrelated trial, the DRC Supreme Court upheld the legality of military trials of civilians under current law. End note.)

¶19. (U) Comment: The DRC Supreme Court burned, and police arrested suspects; they were tried and acquitted based on the evidence. This is a good signal for Congolese justice. Deficiencies in the prosecution case were obvious during the trial, observed in-person by Poloff. Prosecutor Nkulu all but admitted some of the defendants had been tortured; he regularly made unsubstantiated and illogical claims about the defendants; and his theatricality drew rebukes not just from the defense but from the panel of judges as well. End comment.

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